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Mr. David S. Szymanski
Environmental Engineering Technician III
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2999

ENVIRONMENT

Subject:
Annual Periodic Review Report
Buffalo Lakeside Commerce Park (Certain Teed Site), BCP Site #C915185 Buffalo,
New York

Date:
December 5, 2011

Dear Mr. Szymanski:

Contact:
Jim Richert

On behalf of Ship Certain, LLC, ARCADIS (formerly Malcolm Pirnie, Inc.) hereby submits the attached Periodic Review Report (PRR) for the above captioned Site. An inspection of the Site cover system was performed as required in the Operations, Maintenance, and Monitoring Work Plan (OMMWP) for this Brownfield Cleanup Program (BCP) Site. The Site inspection was completed on August 19, 2011 by Jim Richert of ARCADIS. The interior and exterior cover system was inspected and is determined to be in place and performing as intended.

Phone:
716.667.6654

The single issue identified last year as needing improvement, wide turns by trucks damaging grass along the access road to the western loading dock, has been improved by trucks staying on the pavement in this area.

Email:
James.Richert @arcadis-us.com

Based on the findings of the 2011 Site inspection, it is recommended that Certain Teed remove the many stacks of large plastic storage totes present off of the pavement along the eastern access road to the rear storage yard. Once the totes have been removed, the area where the totes were located should be seeded to re-establish sufficient grass cover.

Our ref:
06223001.0000

Attached to this letter are the following pertinent items:

- Environmental Inspection Form
- Site Map identifying locations of inspection photos

Imagine the result

- Photos of areas of interest
- Signed Certification Form

Based on the results of the first five annual inspections, which confirm a cover system that is in place, well maintained, and performing as designed, and considering that there are no other needed engineering controls on the Site, it is recommended that the frequency of inspection and PRR submittals be extended to once every three years.

If you have any questions pertaining to this PRR, feel free to call me at 667-6654.

Sincerely,

ARCADIS-US



James J. Richert, P.G.
Senior Geologist

Copies:

Rob Wenrich (Ship Certain)
John Marciniak (Certain Teed)
Kent McManus (ARCADIS)
File: 06223001.0000

Attachments

J:\6223001 Ship Certain\Draft Documents\Reports\2011 Inspection Report\2011 Inspection Letter 120511.docx

ENVIRONMENTAL INSPECTION FORM

Site Name: Buffalo Lakeside Commerce Park (CertainTeed Site)

Site Number: C915185

Inspection Date: August 19, 2011

Property Address: 231 Ship Canal Parkway, Buffalo, New York 14218

Site Owner: Ship Certain LLC., 15260 Ventura Blvd., Suite 1120, Sherman Oaks, CA 91403

Property ID: (Tax Assessment Map) Section:132.20 Block:1 Lot:11

Total Site Acreage: 25 Acres

Weather during inspection: Temperature: 81° F Conditions: Sunny and calm

SIGNATURE

The findings of this inspection were discussed with appropriate personnel, corrective actions were identified and implementation was mutually agreed upon:

Inspector Signature: 

Date: August 19, 2011

Next Scheduled Inspection: Fall 2014

INDOOR AREAS

	Yes	No
1. Are there settled or uneven areas?	_____	__X__

SECURITY AND ACCESS

	Yes	No
2. Access controlled by perimeter fencing?	_____	__NA__
Are there sections of the fence material damaged or missing?	_____	_____
Are the fence or gate post foundations structurally sound?	_____	_____
3. "No Trespass" signs posted in appropriate languages?	_____	__NA__
Are the signs securely attached to the fencing or posts?	_____	_____
Are there sufficient signs; are the signs adequately spaced around the perimeter of the property?	_____	_____
4. Is there evidence of trespassing?	_____	__X__
Is there evidence of illegal dumping?	__X__	_____

COVER & VEGETATION

	Yes	No
5. Final cover in acceptable condition?	<u> X </u>	<u> </u>
Is there evidence of sloughing, <u>erosion</u> , ponding or settlement?	<u> </u>	<u> X </u>
Is there evidence of <u>unintended traffic</u> ; rutting?	<u> </u>	<u> X </u>
Is there evidence of distressed vegetation/turf?	<u> X </u>	<u> </u>
6. Final cover sufficiently covers soil/fill material?	<u> X </u>	<u> </u>
Are there cracks visible in the soil or pavement?	<u> </u>	<u> X </u>
Is there evidence of erosion in the stormwater channels or swales?	<u> </u>	<u> X </u>
Is there damage to the synthetic erosion control fabric in the channels or swales?	<u> </u>	<u> NA </u>

ACTIVITY ON SITE

7. Any activity on site that mechanically disturbed soil cover?	<u> X² </u>	<u> </u>
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ADDITIONAL FACILITY INFORMATION

Development on or near the site?² (Specify size and type: e.g., residential, 40 acres, well and septic)
None.

COMMENTS

The cover system is in overall good condition and functioning as intended.

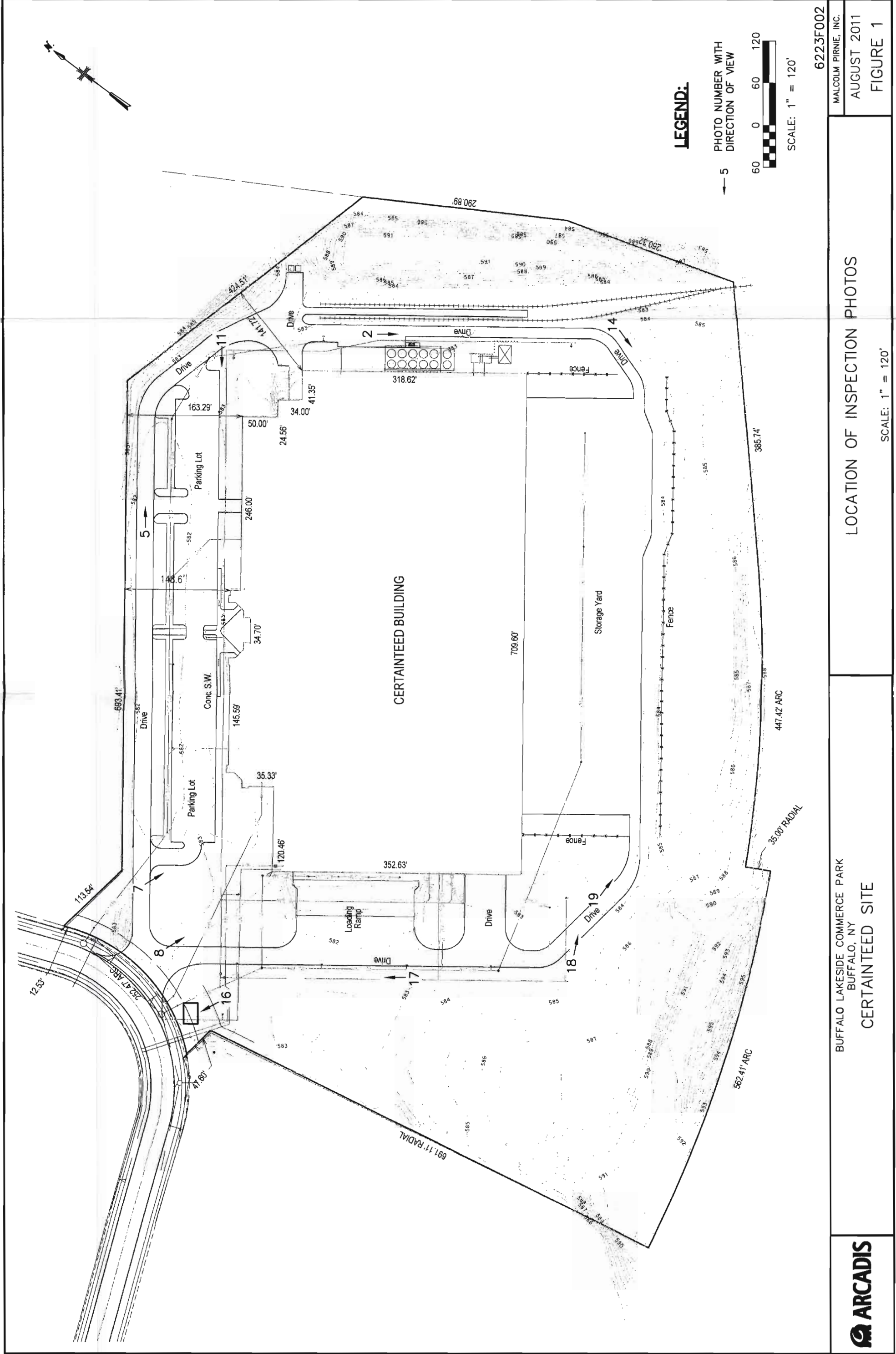
Above numbered note definitions:

¹ One large used tire was observed on the north edge of the western entrance road to the south storage yard. This is believed to have been placed there by an illegal dumper.

² Many large plastic storage totes are neatly stacked just off of the paved entrance to the eastern entrance to the southern storage yard. These totes are negatively impacting the vegetative cover, See photo # 14. These totes should be removed and if they are to remain, the soil cover affected should be either paved or covered with crushed stone.

ATTACHMENTS


1. Site Sketch Showing photograph subject locations
2. Photographs





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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 2	Date: 08-19-11		
Direction Photo Taken: South			
Description: East side access road to south storage yard.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 5	Date: 08-19-11		
Direction Photo Taken: Southeast			
Description: Parking lot and grass island at northeast corner of property.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 7	Date: 08-19-11		
Direction Photo Taken: Southeast			
Description: Main parking lot with added pavement and traffic control rocks at entrance.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 8	Date: 08-19-11		
Direction Photo Taken: Southeast			
Description: Front lawn with improved grass coverage.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 11	Date: 08-19-11		
Direction Photo Taken: West			
Description: East end of main parking lot with adjoining lawns.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 14	Date: 08-19-11		
Direction Photo Taken: Southwest			
Description: Plastic storage totes impacting vegetative cover near east entrance to the south storage yard.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 16	Date: 08-19-11		
Direction Photo Taken: Northwest			
Description: Typical erosion control concrete deflector for periodic high pressure water releases.			



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PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 17	Date: 08-19-11		
Direction Photo Taken: North			
Description: Minor damage to vegetative cover caused by trucks wide turns. (improved condition from last year)			

PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 18	Date: 08-19-11		
Direction Photo Taken: East			
Description: Wooden pallets stored on crushed stone along west access road to south storage yard.			

PHOTOGRAPHIC LOG

Project: Certain Teed Site – Annual Site Cover System Inspection		Location: Buffalo, New York	Project No. 06223001.0000
Photo No. 19	Date: 08-19-11		
Direction Photo Taken: Southeast			
Description: Full vegetative cover at pavement edges along west entrance road to the south storage yard. (improved from last year)			



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details		Box 1	
Site No.	C915185		
Site Name Buffalo Lakeside Commerce Park			
Site Address: 231 Ship Canal Parkway		Zip Code: 14218	
City/Town: Buffalo			
County: Erie			
Site Acreage: 25.0			
Reporting Period: November 04, 2010 to November 04, 2011			
		YES	NO
1. Is the information above correct?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5. Is the site currently undergoing development?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Box 2	
	YES NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/> <input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.	
A Corrective Measures Work Plan must be submitted along with this form to address these issues.	
 Signature of Owner, Remedial Party or Designated Representative	<u>12/5/11</u> Date

SITE NO. C915185

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
132.20-1-11	Ship Certain LLC	Building Use Restriction Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan
132.20-1-11	Ship Certain LLC	

Box 4

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
132.20-1-11	Cover System

Engineering Control Details for Site No. C915185

Parcel: 132.20-1-11

1. Commercial/industrial site use only, commercial day care, child care or medical care prohibited.
2. Site cover to include pavement, structures, or minimum of 12 inches of clean soil with vegetative growth. Existing soil excavated from beneath cover is to be managed, characterized and disposed in accordance with the soil management plan.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915185

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Le Bagawsky at 231 SHIP CANAL PARKWAY
print name print business address

am certifying as REMEDIAL PARTY (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

LeB 2
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

11.30.11
Date

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Kent R. McManus at ARCADIS
print name 50 Fountain Plaza, Suite 600
print business address Buffalo, New York 14202

am certifying as a Professional Engineer for the Remedial Party
(Owner or Remedial Party)

Kent R. McManus
Signature of Professional Engineer, for the Owner or
Remedial Party, Rendering Certification



Stamp
(Required for PE)

12/5/11
Date

RECEIVED
NYSDEC - REGION 9

DEC 19 2011

FOIL
____REL____UNREL

RECEIVED
NYSDEC - REGION 9
DEC 19 2011
FOIL
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